

ESTTA Tracking number: **ESTTA596795**

Filing date: **04/04/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91209857
Party	Plaintiff Deford Bailey LLC
Correspondence Address	MARIA A SPEAR AMY J EVERHART EVERHART LAW FIRM PLC 1400 FIFTH AVENUE NORTH NASHVILLE, TN 37208 UNITED STATES maria@everhartlawfirm.com, amy@everhartlawfirm.com
Submission	Motion to Extend
Filer's Name	Amy J. Everhart
Filer's e-mail	amy@everhartlawfirm.com, maria@everhartlawfirm.com
Signature	/Amy J. Everhart/
Date	04/04/2014
Attachments	motion.for.extension.pdf(75794 bytes) everhart.dec2.pdf(217082 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Deford Bailey LLC,)	
Opposer,)	Opposition No. 91209857
)	
v.)	Application Serial No. 85304626
)	
Carlos Deford Bailey)	Published in the Official Gazette on
Applicant.)	February 19, 2013

OPPOSER’S MOTION FOR EXTENSION

Opposer, Deford Bailey LLC, hereby moves for an extension to today’s date, April 5, 2014, to submit its response in opposition to Applicant’s Motion for Judgment on the Pleadings and reply in further support of its motion for summary judgment. As grounds for this request, Opposer submits that Applicant’s Certificate of Service on its Motion for Judgment on the Pleadings and Response to Opposer’s Motion for Summary Judgment is false. The Certificate represents that the attorney of record for Applicant served the document by electronic communication and facsimile on March 14, the date of filing (a Friday). Counsel for Opposer never received any copy by electronic mail. (Declaration of Amy J. Everhart submitted herewith at ¶ 2.) Further, the document was not faxed until March 15, a Saturday. (*Id.* at ¶ 3 & Ex. A.) In addition to the confusion as to the date of service, Applicant’s document was confusing as to the nature of the relief requested, and the Board clarified with guidance on the response and reply requirements in an Order on March 28, 2014. For these reasons, Opposer requests an extension to today’s date, April 5, 2014. Opposer submits its response and reply simultaneously herewith.

Respectfully submitted,

Deford Bailey LLC, the Opposer

By: /Amy J. Everhart/
Amy J. Everhart
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Attorneys for Opposer,
Deford Bailey LLC

Date: April 5, 2014

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served via electronic mail on this 5th day of April, 2014.

Walter M. Benjamin
P.O. Box 6099
Tulsa, OK 74148
wabenj@netzero.com

/Amy J. Everhart/
Amy J. Everhart

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DECLARATION OF AMY J. EVERHART

I, Amy J. Everhart, of full age, hereby declare as follows:

1. I am an attorney with Everhart Law Firm PLC, counsel for Opposer.
2. I did not receive at my email address amy@everhartlawfirm.com or any other email address a service copy of Applicant's Motion for Judgment on the Pleadings/Response in Opposition to Opposer's Motion for Summary Judgment.
3. A copy of the aforementioned document was received at my firm fax number on Saturday, March 15, 2014, and not beforehand. I attach hereto as Exhibit A a true and correct copy of an email reporting the facsimile transmission.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 5th day of April, 2014.

/Amy J. Everhart/
Amy J. Everhart

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